IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA 1928

W.A.No.2423 of 2006

AGAINST THE JUDGEMENT IN O.P.27499/1999-W DATED 26/05/2006
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APPELLANT/1ST RESPONDENT:-

STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.T.B.HOOD.

RESPONDENTS/PETITIONER & 2ND RESPONDENT:-
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1. ABRAHAM. G. PALLIVATHUKKAL,
KARUVARAKKUNDU, ERNAD, KERALA ESTATE P.O.,
MALAPPURAM DISTRICT.

2. TALUK LAND BOARD, NILAMBUR,
REP. BY CHAIRMAN, MALAPPURAM DISTRICT.

R1 BY ADV.SRI.JOE JOSEPH KOCHIKUNNEL.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.Bali,C.J. & M.Ramachandran,J.

W.A.No.2423 of 2006 & C.M.Appln.No.1299 of 2006

Dated, this the 1st day of January, 2007

JUDGMENT

V.K.Bali,C.J. (Oral)

Delay condoned.

2. We find no illegality or impropriety in the order passed by the learned Single Judge dated 26th May, 2006 recorded in O.P.No.27499 of 1999 subject matter of present Writ Appeal. The State would have no case for reopening the matter either under Section 85(9A) or Section 85(9) of the Kerala Land Reforms Act as in one case it is beyond limitation, whereas in the other it would be case of lack of powers. No merits. Dismissed.

V.K.Bali
Chief Justice

M.Ramachandran
Judge

vku/-